



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

August 31, 1976

The Honorable Otis H. King
City Attorney
City of Houston
P. O. Box 1562
Houston, Texas 77001

Open Records Decision No. 139

Re: Is information
concerning EEOC complaints
and personnel information
public?

Dear Mr. King:

Pursuant to section 7 of article 6252-17a, V.T.C.S., the Open Records Act, you request our decision as to whether certain information you have been requested to provide is excepted from disclosure by section 3(a)(3), as information relating to litigation. The information requested is: (1) the City's EEO-4 reports for the past three years; (2) copies of all complaints filed by city employees with the City's Affirmative Action office, including employee's name, department, job title, date complaint was filed and the nature of the complaint; (3) the results of complaint investigations completed by the City's Affirmative Action office; and (4) the names, sex, ethnicity, salaries, job titles, and dates of employment of all city employees and officers.

We understand your contention to be that disclosure of this information would provide a "blue print for litigation" by way of class actions and individual actions against the City.

We do not believe that the section 3(a)(3) "litigation exception" is applicable to this information. It is applicable to some information where litigation is pending or reasonably anticipated in regard to a specific matter as opposed to a remote possibility among a group or classification. Attorney General Opinion H-483 (1974). The mere chance of litigation is not sufficient to warrant withholding of information. Open Records Decision Nos. 80 (1975); 29, 27 (1974).

The names, sex, ethnicity, salaries, title and dates of employment of employees and officers is information specifically made public by section 6(a)(2) of the Act, and we have held it to be public on several occasions. Open Records Decision Nos. 59, 41, 37, 20, 15, 14 (1974). See Attorney General Opinion H-118 (1973).

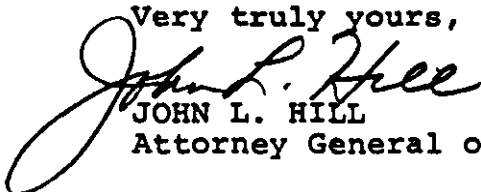
EEO-4 forms are public. Open Records Decision Nos. 132 (1976); 59 (1974).

In reference to the request for the results of your investigation of complaints, we have held that a governmental body is required to disclose information as to its final action in the investigation and disposition of a complaint. Open Records Decision No. 106 (1975). We have also indicated that information regarding the final terms of a settlement agreement is public. Open Records Decision No. 114 (1975). As we understand the request, only the final determination in regard to each complaint is sought. The total file on the complaint or a detailed summary of the information found in the file, either of which would generally include substantial amounts of information from an individual's personnel records, is not encompassed within the scope of the request, and, with this limitation, we believe that a statement of the results of completed investigations of equal employment opportunity complaints is public.

We believe that the information requested regarding the complaints filed is public. The fact that a complaint has been made by a particular person and the nature of the complaint do not appear to us to be the type of information that could in any way compromise the City's position in later litigation.

It is our decision that the information requested, which as we understand it does not include detailed personnel files, is not excepted from required public disclosure and must be made public.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John L. Hill", is written over the typed name.

JOHN L. HILL

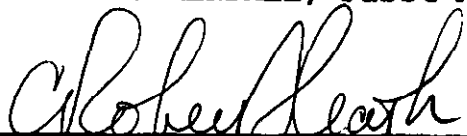
Attorney General of Texas

The Honorable Otis H. King - page 3

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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